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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7015 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements? Yes

2. To be referred to the Reporter or not? Yes

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? No

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?  
No

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PUSHPENDRA CHANDRAPRAKASH SHARMA

Versus

STATE OF GUJARAT

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Appearance:

MR KS JHAVERI for Petitioner

MR M.R.ANAND, G.P. WITH MRS HARSHA DEVANI, AGP

for Respondent No. 1

MS VASUBEN P SHAH, SR ADVOCATE WITH MISS KALPANA BRAHMABHATT

for Respondent No. 3  
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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 16/08/96

ORAL JUDGEMENT

1. This Special Civil Application has been filed  
under Article 226 of the Constitution of India, seeking  
direction to quash and set aside the order of the

respondent No.1 dated 25th/31st July, 1995, whereby the petitioner has been declared disqualified as a Member of Gandhidham Municipality under Gujarat Provision for Disqualifications of Members of Local Authorities for Defection Act, 1986 (hereinafter referred to as "the Act of 1986") and Gujarat Provisions for Disqualification of Members of Local Authorities for Defection Rules, 1987 (hereinafter referred to as "the Rules of 1987").

2. The brief facts giving rise to the present Special Civil Application are that the General Election of Gandhidham Nagarpalika took place on 20th April 1994. The petitioner, Pushpendra Chandraprakash Sharma and the respondent No.3 - Shri Madhukant Javerchand Shah contested the election of Ward Councillors on the Ticket of Bharatiya Janata Party (hereinafter referred to as "B.J.P.") and both were elected. Out of 42 seats of councillors, 21 belonging to B.J.P., 14 belonging to Congress and 06 belonging to B.S.P. were elected. The result of one seat was stayed by the District Court, Bhuj. The say of the respondent No.3 is that he was appointed as the Leader of the B.J.P. in Gandhidham Municipality by the District President of the B.J.P. Accordingly, a meeting was convened on 13/01/1995 of the newly elected B.J.P. councillors of Gandhidham Municipality, in which the name of Shri Parmanand G. Kriplani was unanimously decided as the official candidate for the post of President. Prior to the first general meeting held at 11.00 a.m. on 13/01/1995 in Municipality Hall in the party meeting, a mandate was given to all councillors to vote for Shri Parmanand G. Kriplani for the office of the President. The further say of the respondent No.3 is that, at the time of issuing whip, the petitioner was present in the meeting and he had also consented to the whip. In spite of this, the petitioner tendered his candidature for the post of President with the support of the B.S.P. and Indian National Congress and accordingly, he was elected. The petitioner having voted against the directions of the party disqualified for being a councillor and as such, the respondent No.3 filed a petition before the Chief Secretary, State of Gujarat under the provisions of the Act of 1986 to declare the petitioner disqualified as a councillor of Gandhidham Municipality, under the provisions of the Act of 1986.

3. The petitioner filed reply to the said application on 09/03/1995. The petitioner denied the existence of letter dated 13/01/1995 alleged to have been addressed to the Chief Officer of Gandhidham Municipality. It was stated that the said letter is

fabricated and concocted. The Party Meeting of 13th January 1995 was also denied. He further denied the fact of issuing of whip. The plea was raised that all the Annexures alongwith the petition are not signed and verified as required by Rule 6 (6) of the Rules of 1987 and as such, on that ground alone, the petition deserves to be rejected.

4. The Designated (Prescribed) Officer and Additional Chief Secretary, Agriculture, Cooperation and Rural Development Department, after hearing the parties, returned the finding of fact that the District President of B.J.P. by his letter dated 13th January 1995 addressed to the Chief Officer of Gandhidham Municipality, informed that Madhukant Shah was appointed as the Leader of the party and on the same day, he convened a meeting of the B.J.P. councillors at 09.00 a.m. Shri Parmanand Kriplani, a candidate of B.J.P., for Presidentship of Gandhidham Municipality also found that the petitioner Shri Pushpendra Sharma got the proposal made in his favour for President's post through Indian National Congress and B.S.P. and voted in his favour and as such, he succeeded in getting himself elected as the President of Gandhidham Municipality in violation of breach of mandate of the B.J.P. and with the support of Indian National Congress and B.S.P. Dealing with the objections with respect to the compliance of Rule 6(6) of Rules of 1987, the Designated Officer expressed that it was just a technical plea and if such a plea is allowed, the justice would be jeopardised and the provisions of the Act of 1986 shall remain on papers. In view of the findings, the Designated Officer by his order 25th July 1995 declared the petitioner disqualified as a councillor of Gandhidham Municipality under section 3(1)(b) of the Act of 1986.

5. It is contended by Mr K.S.Zaveri, learned counsel for the petitioner that the learned Authority has committed error in not construing the provision of rule 6 (6) of the Rules of 1987 as mandatory. He submits that the provisions of Rule 6(6) is analogous to section 83(1)(c) of the Representations of Peoples Act, 1951 (hereinafter referred to as 'the Act of 1951'). He further submits that section 81(3) and section 83(1)(c) have been held to be mandatory by the various decisions of the Apex Court. On the other hand, Ms V.P.Shah, Sr. Advocate submits that the requirement of Rule 6(6) of the Rules of 1987 is not attracted in the present case as the Annexures are not integral part of the petition. She further submits that the scheme and the purpose of the Representation of Peoples Act and the Defection Act of

1986 of members of the Local Authorities are entirely different and thus, Rule 6(6) cannot be said to be mandatory in nature, on the analogy of the provision of Act of 1951.

7. In order to appreciate the controversy, it would be appropriate to acquaint with some of the provisions of the Act of 1986 and the Rules of 1987. The Act of 1986 was enacted with a view to provide for disqualification of Members of local authorities on the ground of defection and for matters connected therewith. Section 3 of the Act provides disqualification on the ground of defection. It provides that a councillor or a member belonging to any political party shall be disqualified for being a councillor, if he votes or abstains from voting in any meeting of a municipal corporation, panchayat or as the case may be, contrary to any direction issued by the political party to which he/she belongs or by any person or authority authorised by it in this behalf without obtaining in either case the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention. Sections - 4 and 5 of the Act provide certain set of circumstances under which the disqualification on the ground of defection are not attracted. Section - 6 provides for a reference in case of dispute with respect of the disqualification on the ground of defection. It provides that, any question arises as to whether the councillor of the municipal corporation has become subject of disqualification under the Act of 1986, the question shall be referred to the Chief Secretary to the State or to such officer not below the rank of Secretary to the State of any Department of the State Government, as may be designated by the State Government, and his decision shall be final. Rule - 8 empowers the State Government to make Rules to carry out the performance of the Act. Sub-rule (d) of Rule - 8 empowers the State Government to frame the Rules with respect to the procedure for deciding any question referred to in section (6), including the procedure of any inquiry which shall be made for the purpose of deciding such questions. Section - 11 provides that a person who had at any time during the term of his office is disqualified under the Act of 1986 shall ceased to hold the office, as councillor under the Gujarat Municipalities Act, 1963. In Gujarat Municipalities Act, 1963, in section- 11 after sub-section (3), subsection has been added as follows :

" (4) A person who at any time during the term of

his office is disqualified under the Gujarat Provisions for Disqualification of Members of Local Authorities for Defection Act, 1986 (Gujarat of 1986) for being a councillor shall cease to hold office as such councillor."

The State Government in exercise of the powers under section-8 of the Act of 1986 has framed the Rules known as Gujarat Provisions for Disqualification of Members of Local Authorities for Defection Rules, 1987 (hereinafter referred to as 'the Rules of 1987'). Rule - 6 provides the procedure for reference. It provides that a reference may be made by presentation of a petition addressed to the Chief Secretary to the Government or the Designated Officer. Before making the petition, the petitioner will satisfy that there are reasonable grounds for believing that a question has arisen as to whether such councillor or members has become subject to disqualification under the Act. Dealing with the contents of petition, it is provided that it shall contain a concise statement of the materials facts on which the petitioner relies and it will be accompanied by copies of documentary evidence, if any. The petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure for verification. Sub-rule (6) provides that, every annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition. Rule-7 provides the procedure to be followed after receipt of the petition under aRule-6. Sub-rule (1) of Rule-7 cast a duty on the Chief Secretary or the Designated Officer to consider whether the petition complies with the requirement or not. If the petition does not comply with the requirement of the Rules, the Chief Secretary or the Designated Officer shall dismiss the petition and intimate the petitioner accordingly. However, if the petitioner complies with the requirements of Rule (6), the Chief Secretary or the Designated Officer shall call the copies of the petition and the annexures thereto to the councillor against whom the petition has been made. After receipt of the said documents by the said councillor, the authority will proceed to determine the question. If the Chief Secretary or the Designated Officer having regard to the facts of the case, if so considered, may refer the petition to such officer as he deem fit for making a preliminary inquiry and submitting a report to him. The Chief Secretary or the Designated Officer shall proceed to determine the question after receipt of the report from the said officer. The Rules provides that the Chief Secretary or the Designated Officer or the Officer appointed under Sub-Rule (4) shall

follow the procedure consistent with the Rules of natural justice. Rule-8 provides that the petition raising the question shall be decided expeditiously, say within a period of six months. At the conclusion of the consideration of the petition, the Chief Secretary or the Designated Officer may dismiss the petition or declare the councillor as disqualified. The decision shall be published by affixing a copy thereof on the office of the Municipal Commissioner and notified in the official Gazette.

For the convenience, section 6, section 8(d) of the Act of 1986 as well as Rule 6, Rule 7 and Rule 8 of the Rules of 1987 are reproduced below :

Section-6 ::

Decision on question as to disqualification on ground of defection. If any question arises as to whether,-

- (1) a councillor of a municipal corporation;
- (2) a member of a panchayat, or
- (3) a councillor of a municipality

has become subject to disqualification under this Act the question shall be referred to the Chief Secretary to the State Government or to such officer not below the rank of a Secretary of any Department of the State Government as may be designated by the State Government in this behalf and his decision shall be final.

Section 8 (d) :

- (1) The State Government may by notification in the Official Gazette make rules carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all of any of the following matters, namely :-
  - (d) The procedure for deciding any question referred to in section 6 including the procedure of any inquiry which will be made for the purpose of deciding such question.

Rule-6 :: References to be by petitions :

1. No reference of any question as to whether a councillor or member has become subject to disqualification under the Act shall be made except by a petition in relation to such councillor or member made in accordance with the provisions of this rule.
2. A petition in relation to a councillor or member may be made in writing to the Chief Secretary to the Government of Gujarat or designated officer by any other councillor, or as the case may be, member.
3. Before making any petition in relation to any councillor or member, the petitioner shall satisfy himself that there are reasonable ground for believing that a question has arisen as to whether such councillor or member has become subject to disqualification under the Act.
4. Every petition, -
  - (a) shall contain a concise statement of the materials facts on which the petitioner relies, and
  - (b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and where the petitioner relies on any information furnished to him by any person a statement containing the names and addresses of such persons and the gist of such information as furnished by each such person.
5. Every petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings.
6. Every annexure to the petition shall be signed by the petitioner and verified in the same manner as the petition.

Rule 7 : Procedure ::

1. On receipt of a petition under rule 6 the Chief Secretary to the State Government or the designated officer shall consider whether the petition complies with the requirement of the

rule.

2. If the petition does not comply with the requirements of the rule 6, the Chief Secretary or as the case may be, the designated officer shall dismiss the petition and intimate the petitioner accordingly.
3. If the petition complies with the requirements of rule 6, the Chief Secretary or as the case may be, the designated officer shall cause copies of the petition and of the annexure thereto to be forwarded -
  - (a) to the councillor or member in relation to whom the petition has been made, and
  - (b) where such councillor or member belongs to any municipal party or a panchayat party or such petition has not been made by the leader thereof also to such leader, and such or councillor member or leader shall, within seven days of the receipt of such copies, or within such further period as the designated officer may for sufficient cause allow, forward his comments in writing thereon the Chief Secretary or the designated officer.
4. After considering the comments, if any, in relation to the petition, received under sub-rule (3) within the period allowed (whether originally or on extension under that sub-rule) the Chief Secretary or designated officer may either proceed to determine the question or, if he is satisfied, having regard to the nature and circumstances of the case that it is necessary or expedient so to do, refer the petition to such officer, as he deems fit for making a preliminary inquiry and submitting a report to him.
5. The Chief Secretary or the designated officer shall as soon as may be after referring a petition to the officer under sub-rule (4), intimate the petitioner accordingly and cause an announcement to be made with respect to such reference in a meeting of the municipal corporation, panchayat or municipality or if such meeting is not likely to be held soon, cause the information as to the reference to be published in the manner specified in clause (b) of sub-rule (3) of rule 4.



6. Whether the Chief Secretary or designated officer makes a reference under sub-rule (4) to the officer, he shall proceed to determine the question as soon as may be after receipt of the report from the officer.
7. The procedure which shall be followed by the Chief Secretary or designated officer for determining any question and the procedure which shall be followed by the officer for the purpose of making a preliminary inquiry under sub-rule (4) shall be consistent with the rules of natural justice and neither the Chief Secretary or designated officer, shall come to any findings that a councillor or member has become subject to disqualification under the Act without affording a reasonable opportunity to such councillor or member to represent his case and to be heard in person.

Rule-8 :: Decision on petition ::

A petition rising the question as to whether a councillor or member has become subject to disqualification under the Act shall be determined as expeditiously as possible and an endeavour shall be made to determine the question within six months from the date on which the petition is made under Rule 6.

1. At the conclusion of the consideration of the petition, the Chief Secretary or designated officer shall by order in writing -

(a) dismiss the petition, or

(b) declare that the councillor or member in relation to whom the petition has been made has become subject to disqualification under the Act and cause copies of the order to be delivered or forwarded to the petitioner, the councillor or member in relation to whom the petition has been made and to the leader of the municipal party or panchayat party, if any concerned.

2. Every decision declaring a councillor or member to have become subject to disqualification under the Act shall be reported to the municipal corporation, the panchayat, or as the case may

be, the Municipality.

3. Every decision referred to in sub-rule

(1) shall be published by affixing a copy thereof on the notice board of the office of the municipal corporation, panchayat or as the case may be, Municipality, and notified in the official gazette.

7. On the analysis of the aforesaid provisions, it emerges for the proceedings with respect to disqualification of the Ward Councillor on defection is essentially a reference to be decided by the Chief Secretary of the State or such Officer as may be designated by the State Government on this behalf. A reference may be made by way of filing a petition. The procedure has to be essentially in consonance with the rules of natural justice. The decision of the Chief Secretary or the Designated Authority is final. It is essentially a summary proceedings. The procedure to follow, in capsule, is thus -

(1) On a question as to whether the councillor of the municipal corporation has become subject of disqualification under the Act of 1986, the question shall be referred to the Chief Secretary or the Designated Officer by way of petition (Section-6 read with Rule-6).

(2) Every petition shall contain concise statement of material facts on which the petitioner relies and such petitions shall be signed by the petitioner and verified in the manner laid down under the Code of Civil Procedure. (Rule 6(4) (a) and sub-rule (5)).

(3) If the annexure are integral part of the petition, they shall be signed by the petitioner and verified in the same manner as the petition. (Rule 6 (6) ).

(4) (a) If the petitioner relies on documentary evidence, a copy of such documents shall also be filed. (Rule (6) (4) (4))

(b) If the petitioner also relies on any information furnished to him by any person, i.e. the oral evidence, a statement containing the names and addresses of such persons and the gist of such information. (Rule (6) (4) (4) )

(5) As soon as the petition is filed, the Chief Secretary or the Designated Officer will examine the petition and satisfy as to whether the petitioner complies with the requirements of the Rules i.e. as to whether the petition has been addressed to appropriate authority, whether the petition has been verified in the manner as provided under the Code of Civil Procedure and further, the annexure have also been signed and verified, documents have been properly filed and the list of documents and the list of witnesses have been filed. (Rule 7(1))

(6) (a) In case, it is found that the petition is not in conformity with the Rules, the Chief Secretary or the Designated Officer shall dismiss the petition, (Rule 7(1))

(b) and intimate the petitioner accordingly.  
(Rule 7(1))

(c) In case, the petition is not dismissed and no intimation is given to the petitioner that is to say the defect in the petition has not been pointed out or to say that in the opinion of the Chief Secretary or the Designated Authority, the petition is in accordance with the Rules, he shall cause a copy of the petition and annexure thereto to the councillors against whom the petition has been filed and call for his/her comments. (Rule 7(3))

(7) After considering the comments, the Chief Secretary or the Designated Officer either may proceed with the matter or may refer the petition to such Officer as he deem fit for making preliminary inquiry. (Rule 7(4))

(8) (a) After receipt of the comments, if offered, or in case of preliminary inquiry by other officer, if the report has been received, the Chief Secretary or the Designated Officer shall proceed with the matter to determine the question referred consistent with the Rules of natural justice. Rule 7(7)

(b) The question shall be determined expeditiously and endeavour shall be made to answer within six months.

(9) After affording the reasonable opportunity to the

affected councillor and the applicant before him, the Chief Secretary or the Designated Officer will either dismiss the petition or declare the councillor as disqualified under the Act of 1986. (Rule 8(1) (a) & (b)).

(10) The declaration shall be notified on the notice Board of the Corporation and also published in the official Gazettes. (Rule 8(2) & (3)).

8. In the instant case, the defect pointed out in the petition is that annexures are not signed and verified by the applicant (respondent No.3) as required by Rule 6(6) of the Rules of 1987. Thus, on the face, there appears to be noncompliance of sub-rule (6) of Rule-6. According to Mr K.S.Zaveri, learned counsel, the effect of noncompliance of sub-rule (6) of Rule 6 is that the Chief Secretary or the Designated Officer was left to no option but to dismiss the petition. He further submits that sub-rules 1 and 2 of Rule 7 casts a duty on the Designated Officer to ensure that the petition is in conformity with the Rules. The mandate under the Sub-rule (2) of Rule-7 is that if the provision has not been complied with, the petition shall be dismissed. Mr Zaveri submits that the sub-rule (6) is analogous of section 83(1)(c) of Representation of Peoples Act, 1951, which provides that any Schedule or Annexure to the petition shall be signed by the petitioner and verified in the same manner as the petition. The effect of noncompliance is rejection of the petition under the provisions of section 86(1). On the other hand, Miss V.P.Shah, Senior Advocate, appearing for the respondent No.3, submits that, at the first instance, sub-rule (6) of Rule-6 is not mandatory on the analogy of the section-83(1)(c) of the Act of 1951, and secondly, even if it is so, factually the Annexure are not integral part of the petition and such petition can not be rejected on the ground of Annexure being not signed and verified as required by Rule 6(6).

9. I have given my anxious and thoughtful consideration to the rival contentions. The lure of office or other similar consideration, has given rise to evil of political defection, which has brought in Legislature anarchism, endangering the foundation of Democracy. Thus, the defection law at all level. Bearing this in mind, Rule 6(6) and Rule 7(2) providing the consequences of non-compliance, is considered. The normal rule is where a statute requires a particular act to be done in a particular manner and also lays down that failure to comply with the said requirement leads to

specific consequences, it must lead to that consequences and no other consequences. Dealing with the provisions of section 81(3) of the Act of 1951, which provides that every election petition shall be accompanied by copies of the petition for respondents and shall be attested by the petitioner under his own signature to be true copy of petition and provision of section 86(1) which provides consequences of non-compliance of provision of section 81 i.e. dismissal of the petition, Apex Court in numerous cases held that there is no option with the High Court but to dismiss petition. Though Rule 6(6) is analogous to section 83(1)(c) of the Act of 1951, but the consequence of noncompliance of section 83(1)(c) is not provided as dismissal under section 86. However, in Dr. (Smt.) Shipra etc vs. Shantilal case, a decision reported in J.T. 1996(5) SC 681, Apex Court held that sections 81, 83(1)(c) and 86 read with Rule 94(A) of the Rules and Form 25 are to be read jointly as integral scheme. In F.A.Sapa etc. vs. Lathuthanga reported in AIR 1991 SC 1557, the Apex Court held that if the schedule and annexure forms an integral part of the election petition itself, strict compliance would be insisted upon.

10. What is annexure has been considered by the Panjab & Haryana High Court in case of Panna vs. Mukhtiar Singh reported in AIR 1972 P & H 451. The Court after referring to dictionary meanings of annexure and English cases, held that an annexure would necessarily be a part of the petition, if there is a substantial reference in the petition. On the other hand, the election petition makes a reference to certain proposition of law. It will not be strictly an annexure and cannot be considered as integral part of the petition.

11. In the instance case, there are six annexure. The First Annexure is xerox copy of the Gujarat Government Extra Ordinary Gazette. Annexure-2 is a letter from the President of Kachcha District, B.J.P. regarding appointment of the Municipal Leader. Annexure-3 is a copy of the letter in form No.1. Annexure-4 is a xerox copy of the circular by the Collector, Kachcha for calling a meeting for the election of the President. Annexure-5 is a copy of the proposal as President in the prescribed form. Annexure-6 is a copy of the proposal in the prescribed form in the name of Pushpendra C. Sharma as President.

12. I have perused the memo of petition with the assistance of the learned counsel for the parties and

there is no substantial reference of the annexure in the petition. Simply, making reference of the annexure without its contents would not constitute as integral part of the petition. In the Paper-Book in between Petition and Annexure there is list of Documents. Thus, there is substance in the say of Miss V.P.Shah that there is only a simple reference and not substantial reference of the Annexure, and they have been produced only as documents under Rule 6(4)(4). In view of this, learned Designated Officer committed no error in not rejecting the application on the ground that there is non-compliance of Rule 6(6).

13. It is next contended by Mr Zaveri that the petitioner was not given an adequate opportunity of being heard and to defend himself inasmuch as that though he filed a reply to the main petition in the month of March 1995 and thereafter, 19 affidavits were filed, on which the learned Authority has placed reliance, but he was not given sufficient opportunity to rebut the same. A perusal of the impugned order shows that the different dates were fixed for hearing i.e. 24th February 1995, 9th March 1995, 22nd March 1995, 11th April 1995, 22nd April 1995, 9th May 1995. In spite of the intimation to the petitioner, he remained absent at the hearing except on 9th May 1995. He wanted adjournment for filing the affidavit on 9th May 1995. The learned Authority in his discretion and keeping in view the fact that the petition was to be decided within a period of six months, refused to give the adjournment. In my view, the sufficient opportunity was given to the petitioner and therefore, no grievance on this ground can be entertained.

14. It is lastly contended that there is no specific findings with respect to disqualification of the petitioner. I have gone through the order. The learned Authority has considered this aspect in detail and has given categorical findings thereon and this finding does not call for any interference by this Court.

15. It is also argued by Mr Zaveri that no document has been produced on record to show that the whip was issued to vote for the official candidate of the B.J.P. There is definite statement made by the councillors that whip was issued, in view of this, it was not necessary to produce the letter containing the whip.

16. The facts of the case otherwise also calls for no interference by this Court. The Act of 1986 and the Rules only contemplates a quasi judicial inquiry to determine the question as to the disqualification of a

councillor, by an Administrative Officer. It is different from the full trial under the Representation of Peoples Act, by High Court and appeal to Supreme Court. In the instant case, the things are simple that, in the House of 41 (stay with respect to one), there were 21 councillors of B.J.P. and 20 of other political parties, but the petitioner, a Councillor of B.J.P. without a single vote of B.J.P. became the President. The facts eloquently speaks that the petitioner contested the election of councillor on B.J.P. Ticket and the lure of the office of President, Gandhidham in him pushed back the political party which was given mandate by the people to govern the local body by electing its President. Single man's interest has caused instability in the local self Government. The conduct of the petitioner is obnoxious. In view of this, I am not inclined to invoke the equitable jurisdiction of this Court under Article 226 and 227 of the Constitution of India, in favour of the petitioner.

17. In view of the aforesaid I find no merits in this Special Civil Application and the same is dismissed. Rule discharged. No order as to costs.

18. Learned counsel for the petitioner says that, in the facts of the case, the interim relief granted by this Court may further be allowed to continue for a period of two weeks. This prayer is being opposed by the learned counsel for the respondent No.3. However, considering the facts of the case, the interim relief is allowed to continue for further period of two weeks.

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